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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/596,358	09/14/2006	Takahiro Ohashi	86295(308246)	5623
21874 7590 01/18/2011 EDWARDS ANGELL PALMER & DODGE LLP P.O. BOX 55874 BOSTON, MA 02205			EXAMINER ROWLAND, STEVE	
			ART UNIT	PAPER NUMBER
			3718	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

### Application No.

10/596,358

### Applicant(s)

OHASHI ET AL.

### Examiner

Steve Rowland

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 October 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Amendment***

1. This action is responsive to Applicant's communication filed on 10/11/2010.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. **Claims 1-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

Regarding claim 1, the phrase "so as to transmit and receive data to end from each other" appears to be a typographical error and is unclear.

Claims 2-4 are rejected for incorporating this error from claim 1.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. **Claims 1-3 and 5 are rejected under 35 U.S.C. 102(e) as being anticipated by Nguyen et al (US 2005/0043089 A1) (hereinafter "Nguyen").**

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Regarding claim 1, Nguyen teaches a card game system (Abstract), comprising a plurality of game apparatuses, each of which functions as either a master apparatus configured to control a game (§ [0064]) or a terminal apparatus configured to perform a process accordance with indications from the master apparatus (§ [0067] lines 7-12), the plurality of game apparatus being connected to each other so as to transmit and receive data to and from each other (Fig. 1), wherein when one of the plurality of game apparatuses is set as the master apparatus, the game apparatuses other than the game apparatus set as the master apparatus are set to the terminal apparatuses (§ [0064]: *the tournament server may be implemented by one of the gaming units*), and each of the plurality of game apparatuses reads game information recorded in a card (806, 808) and the game progresses based on the read game information (816), the game apparatus set as the master apparatus has a master reception device configured to receive the game information transmitted from each of the plurality of game apparatus (§ [0093]), a start determination device configured to determine whether to start a specific time (§ [0088]), a permission device configured to make the master reception device reject to receive the game information at the master reception device until the start determination device determines to start the specific time (270), and configured to transmit timing information to the plurality of game apparatuses including the game apparatus set as the master apparatus (§ [0089]) and permit the master reception device to receive the game information when the start determination device determines to start a specific time (§ [0093]), an elapse time determination device configured to determine whether a time set as the specific time in advance elapses after the permission device permits the reception of the game information (§ [0085] lines 6-13), a rejection device configured to make the master reception device reject the reception again when the elapse time determination device determines that the set time elapses (§ [0091] and § [0095]), and a device configured to execute game progress processes based on the game information received during the specific time from the game apparatuses including the

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game apparatus set as the master apparatus (§ [0093]), and each of the plurality of game apparatuses has a device configured to, when receiving the timing information, make a player use a card to obtain the game information from the card (§ [0010]), and a terminal transmission device configured to transmit the game information having been read to the master reception device (24).

Regarding claim 2, Nguyen teaches wherein the rejection device rejects the reception of the game information further transmitted from the game apparatus that is a sender of the game information already received by the master reception device even before the elapse time determination device determines that the set time elapses (§ [0109] lines 9-12).

Regarding claim 3, Nguyen teaches wherein the number of the plurality of game apparatuses is two (§ [0023]: *one or more gaming units*).

Regarding claim 5, Nguyen teaches a master apparatus as a predetermined reception destination in a card game system comprising a plurality of apparatuses including the master apparatus (§ [0064]), a master reception device configured to receive the game information transmitted from each of the plurality of game apparatus (§ [0093]), a start determination device configured to determine whether to start a specific time (§ [0088]), a permission device configured to make the master reception device reject reception of the game information at the master reception device until the start determination device determines to start a specific time (270), and configured to transmit timing information to the plurality of game apparatuses including the master apparatus (§ [0089]) and permit the master reception device to receive the game information from a card used by a when the start determination device determines to start the specific time (§ [0093]), a device configured to execute game progress processes based on the game information received during the specific time from the game apparatuses including the master apparatus (§ [0093]) and a rejection device configured to make the master reception

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device reject the reception again when the elapse time determination device determines that the set time elapses (¶ [0091] and ¶ [0095]).

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

**9. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nguyen in view of Yap et al (US 2002/0020745 A1) (hereinafter “Yap”).**

Regarding claim 4, it is noted that Nguyen does not teach a card which has three or more sides and has the game information printed on a same face along the respective sides. However, Yap teaches a card which has three or more sides and has the game information printed on a

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same face along the respective sides (Figs. 2-5). Hence, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Nguyen and Yap in order to allow for the interior of the card to be large enough to house a hard drive, thus increasing the volume and complexity of the information that could be stored.

### ***Response to Arguments***

**10. Applicant's arguments filed on 10/11/2010 have been fully considered but they are not persuasive.**

Applicant argues “Nguyen fails to disclose a permission device and a rejection device configured to reject game information before and after a set time.” Examiner respectfully disagrees. Nguyen discloses a system that can enable and disable individual game terminals during set time periods (*See, e.g.*, Fig. 6B), thus ensuring that no information can be received during the prescribed time interval. Hence, the gaming server “rejects” to receive gaming information from the specific gaming terminal during the time in which it is not enabled.

Applicant next argues “Nguyen does not disclose a device configured to execute game progress based on the game information received during the specific time.” Examiner respectfully disagrees. The individual gaming terminal is allowed to play tournament games once it is enabled by the gaming server (*See, e.g.*, Fig. 7B). Thus the terminal “executes game progress” (816) once it receives valid information from the gaming card (808) and is subsequently enabled by the gaming server (814). Thus, Examiner respectfully asserts that Nguyen discloses this feature.

### ***Conclusion***

**11. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply

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is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steve Rowland whose telephone number is (571) 270-7844. The examiner can normally be reached on Monday through Thursday, alternate Fridays, 8:30 am to 6:00 pm, Eastern Time. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Peter Vo can be reached at (571) 272-4690. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. R./  
Examiner, Art Unit 3718

/JAMES S. MCCLELLAN/  
Primary Examiner, Art Unit 3718